

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 1245 - SB 1152

February 10, 2023

SUMMARY OF BILL: Authorizes a sentence of death to be carried out by electrocution as an alternative to lethal injection if the Commissioner of the Department of Correction (DOC) certifies to the Governor that the DOC is unable to adhere to the lethal injection protocol required to carry out the sentence of death.

FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- Pursuant to Tenn. Code Ann. § 40-23-114(e)(1)-(2), for any person who commits an offense or has committed an offense for which the person is sentenced to the punishment of death, the method of carrying out the sentence shall be by lethal injection. The alternative method of carrying out a sentence of death is by electrocution. The alternative method is authorized to be used if:
 - Lethal injection is held to be unconstitutional by a court of competent jurisdiction; or
 - The Commissioner of DOC certifies to the Governor that one or more of the ingredients essential to carrying out a sentence of death by lethal injection is unavailable through no fault of the DOC.
- Authorizing a sentence of death to be carried out by electrocution as an alternative to lethal injection if the Commissioner of DOC is unable to adhere to the lethal injection protocol will not change the number of sentences of death carried out.
- Any impact on state expenditures associated with carrying out a sentence of death by electrocution in limited instances is estimated to be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner".

Krista Lee Carsner, Executive Director

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